

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77233 of 2019

Arising Out of PS. Case No.-359 Year-2018 Thana- SABOUR District- Bhagalpur

1. BASDI YADAV
2. Rasiklal Yadav, Both sons of Ram Yadav R/o village- Alinagar, P.S.- Sabour,
District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neelam Kumari

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-03-2020 Heard Mr. N.K.Agrawal, learned senior counsel for
the petitioners and the learned A.P.P..

The petitioners seek bail in Sabour P.S. Case No.359 of 2018 registered under Sections 147, 148, 341, 323, 324, 325, 307 of the Indian Penal Code. Later on, Section 302 I.P.C. was added.

The informant(deceased) himself alleged that on 22.12.2018 at about 2 P.M., he came out from his house for urinal but his neighbours namely, Ranjit Yadav, Masudan Yadav, Ram Yadav, Basdi Yadav(petitioner No.1) and Rasiklal Yadav(petitioner No.2) caught him on account of previous dispute with regard to passage and dragged him inside the house. After closing the door, the accused persons brutally



assaulted him with lathi and presuming him to be dead threw his body behind the house. His family members brought him to Mayaganj Hospital.

The learned senior counsel for the petitioners submits that Ranjit Yadav and four others including the two petitioners are alleged to have indiscriminately assaulted the deceased. There is omnibus and general allegation but Ram Yadav @ Ram Prasad Yadav has already been enlarged on bail by a co-ordinate Bench of this Court by order dated 11.09.2019 passed in Cr. Misc. No.35385 of 2019. The case of the petitioners stands on the same footing and thus, the petitioners deserve bail but from perusal of the F.I.R. and the case diary, I find that both the petitioners along with three other accused persons including Ram Yadav are alleged to have indiscriminately assaulted the informant and threw him behind the house. The deceased himself made statement. Later on, the informant died. From perusal of the post-mortem report, it appears that deceased got multiple injuries on different parts of his body and on account of the aforesaid injuries, he died.

Considering the facts that the petitioners are also alleged to have indiscriminately assaulted the deceased with lathi, I am not persuaded to grant bail to the petitioners at this



stage. Accordingly, the prayer for bail of the petitioners is rejected.

The petitioners, if so advised, may renew their prayer for bail after remaining one year in custody.

(Prabhat Kumar Jha, J)

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